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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/569,227	02/23/2006	Ryohei Yasuda	286220US6PCT	9434
22850 7590 03/26/2008 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER QUADER, FAZLUL				
ART UNIT 2164		PAPER NUMBER		
NOTIFICATION DATE 03/26/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/569,227

Applicant(s)

YASUDA, RYOHEI

Examiner

Fazlul Quader

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2169

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 5/17/2006
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-8 are pending in this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 of the current application (PCT filing date: Sept. 14, 2004) are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama et al. (US 7117253; filing date: Nov. 5, 2002), hereinafter "Nakayama" in view of Sakata (US 20040064507; PCT filing date: May 30, 2001).

4. As for claim 1, Nakayama discloses, a content acquisition method (Nakayama: col. 1, lines 20-29) comprising:

a request information transmission step of transmitting request information to an external section in response to a request for content data (Nakayama: abs. lines 4-6), said request information requesting address information of a plurality

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of content provision apparatus capable of providing said content data

(Nakayama: col. 4, lines 32-41),

an information reception step of receiving from said external section said address information of said plurality of content provision apparatus capable of providing said content data, and said data size information of said content data, after transmitting said request information (Nakayama: col. 5, lines 16-25);

a division position determination step of determining division start positions and division end positions specifying division parts of said content data to request said content data in divided form from said plurality of content provision apparatus, based on the number of pieces of said address information and said data size information received by said information reception step (Nakayama: col. 4, lines 16-24);

a division part request information transmission step of transmitting division part request information including content identification information of said content data, and said division start positions and division end positions of said division parts of said content data, such that each said division part is requested from different said content provision apparatus (Nakayama: col. 4, lines 16-24);

a division part reception step of receiving said division parts from said plurality of content provision apparatus after transmitting said division part request information (Nakayama: col. 4, lines 16-24);

a temporarily storing step of temporarily storing said division parts received by said division part reception step (Nakayama: col. 9, lines 31-42); and

a data restoring step of combining said division parts temporarily stored by said temporarily storing step to restore said content data (Nakayama: col. 9, lines 31-42, reproducing streaming contents);

Nakayama, however, does not explicitly disclose, "data size information of said content data";

Sakata, on the other hand, discloses, "data size information of said content data" (Sakata: [0016]; claim 12, last 5 lines).

Both Nakayama and Sakata are of the same field of endeavor, they specifically teach content acquisition (Nakayama: col. 1, lines 20-29; Sakata: [0008]).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Sakata into Nakayama of information management system, that would have allowed users of Nakayama to have a useful method, of providing contents to the subscribers, a content sending coordinator for scheduling contents broadcasts schedule to a user's receiving terminal, a broadcast station facility for broadcasting the requested contents as scheduled, and broadcast receiver equipped with a communication feature for receiving the broadcast contents as scheduled, and broadcast receiver equipped with a communication feature for receiving the broadcast contents and acquiring the contents via the internet in case it has failed to receive the contents (Sakata: [0049], lines 1-11).

5. As for claim 2, Nakayama as modified discloses, the content acquisition method (Nakayama: col. 1, lines 20-29) according to claim 1, further comprising: a measurement step of measuring a reception completion period of time for each said content provision apparatus, said reception completion period of time representing a period between transmission of said division part request information and reception of said division parts from each said content provision apparatus (Nakayama: abs. lines 1-2; col. 11, lines 61-64);

a reception stop step of stopping to receive said division part from said content provision apparatus when said division part has not been received yet from said content provision apparatus at a time a certain period of time has

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passed since the start of measuring said reception completion period of time (Nakayama: col. 11, lines 50-57; col. 12, lines 12-24);

and a division part request apparatus switch step of switching from said content provision apparatus from which said reception stop step stopped halfway to receive said division part to different said content provision apparatus to request said division part therefrom (Nakayama: col. 12, lines 42-50; col. 12, lines 50-59).

6. As for claim 3, Nakayama as modified discloses, the content acquisition method (col. 1, lines 20-29) according to claim 2, further comprising: a reception status update step of sequentially updating a reception end position of each said division part as reception status, while receiving said division parts from said plurality of content provision apparatus (Nakayama: col. 4, lines 16-24); and

a reception remnant part request information transmission step of transmitting reception remnant part request information to the content provision apparatus different from said content provision apparatus from which said reception stop step stopped halfway to receive said division part to request a reception remnant part which is a part of said division part not received completely (Nakayama: col. 12, lines 42-50), said reception remnant part request information including said content identification information, and said reception end position and division end position of said division part not received

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completely (Nakayama: col. 12, lines 42-50; col. 12, lines 50-59)..

7. As for claim 4, Nakayama discloses, a content acquisition apparatus (Nakayama: col. 1, lines 20-29) comprising:

request information transmission means for transmitting request information to an external section in response to a request for content data, said request information requesting address information of a plurality of content provision apparatus capable of providing said content data, and data size information of said content data (Nakayama: fig. 3; col. 5, lines 16-25; Claim 4);

information reception means for receiving from said external section said address information of said plurality of content provision apparatus capable of providing said content data (Nakayama: Claim 3), and said data size information of said content data, after said request information transmission means transmits said request information (Nakayama: Claim 4);

division position determination means for determining division start positions and division end positions specifying division parts of said content data (Nakayama: abs. lines 4-6), to request said content data in divided form from said plurality of content provision apparatus, based on the number of pieces of said address information (Nakayama: col. 4, lines 32-41);

division part request information transmission means for transmitting division part request information including content identification information of said content data (Nakayama: Claim 4), and said division start positions and division end positions of said division parts of said content data, such that each said division part is requested from different said content provision apparatus; division part reception means for receiving said division parts from said plurality of content provision apparatus after said division part request information transmission means transmits said division part request information (Nakayama: col. 4, lines 16-24);

temporarily storing means for temporarily storing said division parts received by said division part reception means (Nakayama: col. 9, lines 31-42); and

data restoring means for combining said division parts temporarily stored by said temporarily storing means to restore said content data (Nakayama: col. 9, lines 31-42, reproducing streaming contents);

Nakayama, however, does not explicitly disclose, "data size information of said content data";

Sakata, on the other hand, discloses, "data size information of said content data" (Sakata: [0016]; claim 12, last 5 lines).

Both Nakayama and Sakata are of the same field of endeavor, they specifically teach content acquisition (Nakayama: col. 1, lines 20-29; Sakata: [0008]).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Sakata into Nakayama of information management system, that would have allowed users of Nakayama to have a useful method, of providing contents to the subscribers, a content sending coordinator for scheduling contents broadcasts schedule to a user's receiving terminal, a broadcast station facility for broadcasting the requested contents as scheduled, and broadcast receiver equipped with a communication feature for receiving the broadcast contents as scheduled, and broadcast receiver equipped with a communication feature for receiving the broadcast contents and acquiring the contents via the internet in case it has failed to receive the contents. (Sakata: [0049], lines 1-11).

8. As for claim 5, Nakayama as modified discloses, the content acquisition apparatus (Nakayama: col. 1, lines 20-29) according to claim 4, further comprising:

measurement means for measuring a reception completion period of time for each said content provision apparatus (Nakayama: abstract; col. 2, lines 15-

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21) said reception completion period of time representing a period between transmission of said division part request information (Nakayama: col. 2, lines 26-32) and reception of said division parts from each said content provision apparatus (Nakayama: abs. lines 1-2; col. 11, lines 61-64; col. 11, lines 50-57; col. 12, lines 12-24);

reception stop means for stopping to receive said division part from said content provision apparatus when said division part has not been received yet from said content provision apparatus at a time a certain period of time has passed since the start of measuring said reception completion period of time (Nakayama: col. 11, lines 50-57; col. 12, lines 12-24); and

division part request apparatus switch means for switching from said content provision apparatus from which said reception stop means stopped halfway to receive said division part to different said content provision apparatus to request said division part therefrom (Nakayama: col. 12, lines 42-50; col. 12, lines 50-59).

9. As for claim 6, Nakayama as modified discloses, the content acquisition apparatus (Nakayama: col. 1, lines 20-29) according to claim 5, further comprising: a reception status update means for sequentially updating a reception end position of each said division part as reception status, while

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receiving said division parts from said plurality of content provision apparatus (Nakayama: col. 4, lines 16-24); and

a reception remnant part request information transmission means for transmitting reception remnant part request information to the content provision apparatus different from said content provision apparatus from which said reception stop means stopped halfway to receive said division part to request a reception remnant part which is a part of said division part not received completely (Nakayama: col. 12, lines 42-50), said reception remnant part request information including said content identification information, and said reception end position and division end position of said division part not received completely (Nakayama: col. 12, lines 42-50; col. 12, lines 50-59).

10. As for claim 7, Nakayama discloses, a content acquisition program (Nakayama: col. 1, lines 20-29) for causing information processing apparatus to execute: a request information transmission step of transmitting request information to an external section in response to a request for content data (Nakayama: abs. lines 4-6), said request information requesting address information of a plurality of content provision apparatus capable of providing said content data (Nakayama: col. 5, lines 16-25);

an information reception step of receiving from said external section said address information of said plurality of content provision apparatus capable of

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providing said content data, and said data size information of said content data, after transmitting said request information (Nakayama: col. 5, lines 16-25);

a division position determination step of determining division start positions and division end positions specifying division parts of said content data to request said content data in divided form from said plurality of content provision apparatus (Nakayama: col. 13, lines 29-43), based on the number of pieces of said address information and said data size information received by said information reception step (Nakayama: col. 4, lines 16-24);

a division part request information transmission step of transmitting division part request information including content identification information of said content data (Nakayama: col. 13, lines 29-43), and said division start positions and division end positions of said division parts of said content data, such that each said division part is requested from different said content provision apparatus (Nakayama: col. 4, lines 16-24);

a division part reception step of receiving said division parts from said plurality of content provision apparatus after transmitting said division part request information (Nakayama: col. 4, lines 16-24);

a temporarily storing step of temporarily storing said division parts received by said division part reception step (Nakayama: col. 9, lines 31-42); and

a data restoring step of combining said division parts temporarily stored by said temporarily storing step to restore said content data (col. 9, lines 31-42, reproducing streaming contents).

Nakayama, however, does not explicitly disclose, "data size information of said content data";

Sakata, on the other hand, discloses, "data size information of said content data" (Sakata: [0016]; claim 12, last 5 lines).

Both Nakayama and Sakata are of the same field of endeavor, they specifically teach content acquisition (Nakayama: col. 1, lines 20-29; Sakata: [0008]).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Sakata into Nakayama of information management system, that would have allowed users of Nakayama to have a useful method, of providing contents to the subscribers, a content sending coordinator for scheduling contents broadcasts schedule to a user's receiving terminal, a broadcast station facility for broadcasting the requested contents as scheduled, and broadcast receiver equipped with a communication feature for

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receiving the broadcast contents as scheduled, and broadcast receiver equipped with a communication feature for receiving the broadcast contents and acquiring the contents via the internet in case it has failed to receive the contents. (Sakata: [0049], lines 1-11).

11. As for claim 8, Nakayama discloses, a content acquisition system (Nakayama: col. 1, lines 20-29) including a plurality of content provision apparatus providing content data and content acquisition apparatus acquiring said content data from said plurality of content provision apparatus (Nakayama: col. 4, lines 32-41), the content acquisition system wherein:

said content acquisition apparatus (Nakayama: col. 1, lines 20-29) includes: request information transmission means for transmitting request information to an external section in response to a request for said content data (Nakayama: abs. lines 4-6), said request information requesting address information of said plurality of content provision apparatus capable of providing said content data (Nakayama: col. 4, lines 32-41), and data size information of said content data;

information reception means for receiving from said external section said address information of said plurality of content provision apparatus capable of providing said content data (Nakayama: col. 13, lines 29-43), and said data size

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information of said content data, after said request information transmission means transmits said request information (Nakayama: col. 5, lines 16-25);

division position determination means for determining division start positions and division end positions specifying division parts of said content data to request said content data in divided form from said plurality of content provision apparatus, based on the number of pieces of said address information and said data size information received by said information reception means (Nakayama: col. 4, lines 16-24);

division part request information transmission means for transmitting division part request information including content identification information of said content data, and said division start positions and division end positions of said division parts of said content data (Nakayama: col. 4, lines 16-24; col. 13, lines 29-43), such that each said division part is requested from different said content provision apparatus; division part reception means for receiving said division parts from said plurality of content provision apparatus after said division part request information transmission means transmits said division part request information (Nakayama: col. 4, lines 16-24);

temporarily storing means for temporarily storing said division parts received by said division part reception means (Nakayama: col. 9, lines 31-42);
and

data restoring means for combining said division parts temporarily stored by said temporarily storing means to restore said content data (Nakayama: col. 9, lines 31-42); and

said content provision apparatus includes (Nakayama: col. 1, lines 20-29):

division part request information reception means for receiving said division part request information from said content acquisition apparatus ;
division means for dividing said content data corresponding to said content identification information to extract said division part from between said division start position and division end position of said content data in response to said division part request information (Nakayama: col. 13, lines 29-43) received by said division part request information reception means, said content identification information, said division start position, and said division end position being shown in said division part request information Nakayama: (col. 4, lines 16-24);
and

division part transmission means for transmitting to said content acquisition apparatus said division part divided from said content data by said division means (Nakayama: col. 4, lines 16-24).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Endo et al. (US 20050188018) teach information transmission/reception device.

Contact Information

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FAZLUL QUADER whose telephone number is (571)270-1905. The examiner can normally be reached on M-F 8-5 Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fazlul Quader
Examiner
Art Unit 2164

FQ
03/02/2008

/Charles Rones/
Supervisory Patent Examiner, Art Unit 2164